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Agenda item 95 (b)

Environment and sustainable development: Convention on Biological Diversity

Report of the Second Committee*

Rapporteur: Mr. Ahmed **Amaziane** (Morocco)

I. Introduction

1. The Second Committee held a substantive debate on agenda item 95 (see A/55/582, para. 2). Action on sub-item (b) was taken at the 32nd and 38th meetings, on 8 and 29 November 2000. An account of the Committee's consideration of the sub-item is contained in the relevant summary records (A/C.2/55/SR.32 and 38).

II. Consideration of draft resolutions A/C.2/55/L.20 and A/C.2/55/L.44

2. At the 32nd meeting, on 8 November, the representative of Nigeria, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Convention on Biological Diversity" (A/C.2/55/L.20), which read:

"*The General Assembly*,

"*Recalling* its resolution 54/221 of 8 February 2000 on the Convention on Biological Diversity and other relevant resolutions, including its resolution 49/119 of 19 December 1994, in which it proclaimed 29 December, the date of the entry into force of the Convention, International Day for Biological Diversity,

"*Recalling also* the provisions of the Convention on Biological Diversity,

* The report of the Committee on this item will be issued in nine parts, under the symbol A/55/582 and Add.1-8.

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"*Reaffirming* that the conservation of biological diversity is a common concern of humankind,

"*Recalling* that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

"*Recalling* Agenda 21, in particular its chapter 15 on the conservation of biological diversity and chapter 16 on environmentally sound management of biotechnology and related chapters,

"*Having considered* the report of the Executive Secretary of the Convention on Biological Diversity as submitted by the Secretary-General to the General Assembly at its fifty-fifth session,

"*Emphasizing the importance* of public education and awareness for the implementation of the Convention at all levels,

"*Noting* the recommendation of the Conference of the Parties to the Convention on Biological Diversity at its fifth meeting that the date of the International Day for Biological Diversity be changed to give it greater visibility,

"*Deeply concerned* about the continued loss of the world's biological diversity, and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding,

"*Recognizing* the contribution of indigenous and local communities embodying traditional lifestyles, and women within those communities, to the conservation and sustainable use of biological resources,

"*Noting* the continuing dialogue taking place in the Committee on Trade and Environment of the World Trade Organization on the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights,

"*Encouraged* by the work carried out to date under the Convention, and satisfied that most States and one regional economic integration organization are parties to the Convention,

"*Recognizing the importance* of the adoption by the Conference of the Parties to the Convention, in its decision EM-1/3 of 29 January 2000, of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, and the subsequent signature of the Protocol by 75 parties to the Convention,

"*Expressing its appreciation* to the Government of Kenya for hosting the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity, held from 15 to 26 May 2000,

"*Welcoming* the generous offer of the Government of France, accepted by the Conference of the Parties to the Convention at its fifth meeting, to host the first meeting of the Intergovernmental Committee for the Cartagena Protocol, which will be held at Montpellier from 11 to 15 December 2000,

"*Welcoming* the generous offer of the Government of the Netherlands, accepted by the Conference of the Parties to the Convention at its fifth meeting, to host the sixth meeting of the Conference of the Parties, which will be held at The Hague in April 2002, and urges the parties to the Convention to undertake thorough preparations to advance progress at that meeting,

"*Recalling* its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the results of future meetings of the Conference of the Parties,

"1. *Urges* Member States that have not joined the Convention on Biological Diversity to become parties to it, without further delay;

"2. *Calls upon* Member States that are parties to the Convention on Biological Diversity to sign and ratify the Cartagena Protocol on Biosafety as soon as possible;

"3. *Takes note* of the results of the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Nairobi from 15 to 26 May 2000;

"4. *Reaffirms* the importance of the decision of the Conference of the Parties on the adoption of its programme of work and the thematic approach to guide its work in the development of the Convention for the foreseeable future, including its in-depth consideration of ecosystems;

"5. *Notes* the decision by the Conference of the Parties to undertake a limited number of pilot scientific assessments in preparation for the sixth meeting of the Conference of the Parties, to be involved in the proposed millennium ecosystem assessment, and its request to the Subsidiary Body on Scientific, Technical and Technological Advice to identify opportunities for collaboration;

"6. *Encourages* developed countries to provide the necessary support for capacity-building activities in developing countries so as to enable them to participate effectively in the Bio-safety Clearing House, in accordance with article 20 of the Cartagena Protocol;

"7. *Urges* developed countries to facilitate the transfer of environmentally sound biotechnology, in accordance with article 22 of the Convention, for the effective implementation of the Cartagena Protocol;

"8. *Decides* to proclaim 22 May, the date of the adoption of the text of the Convention on Biological Diversity, as the International Day for Biological Diversity henceforth;

"9. *Reiterates* its request to the Secretary-General, the Executive Director of the United Nations Environment Programme and the Executive Secretary of the Convention on Biological Diversity to take all steps necessary to ensure the successful observance of the International Day for Biological Diversity;

"10. *Welcomes* the decision of the Conference of the Parties to contribute to the ten-year review of the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21, and decides to invite the Executive Secretary and, if appropriate, the President of the sixth meeting of the Conference of the Parties to report to it at its relevant session;

"11. *Recognizes* the importance of rapid development and implementation of the Strategic Plan for the Convention, and encourages Member States to provide detailed views to the Executive Secretary, in accordance with decision V/20 adopted by the Conference of the Parties to the Convention, on the matter as soon as possible;

"12. *Welcomes* the collaborative work between the Convention on Biological Diversity and related conventions, in particular the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, adopted at Ramsar, Islamic Republic of Iran, on 21 February 1971;

"13. *Welcomes* the decision of the Conference of the Parties to the Convention regarding its programme of work for forest biological diversity and encourages contributions from the Convention to the work of the United Nations Forum on Forests, in particular with respect to respecting, preserving and maintaining knowledge, innovations and practices of indigenous communities embodying traditional lifestyles, in accordance with article 8 (j) and related provisions of the Convention;

"14. *Takes note* of the acknowledgement of the growing links between the activities of the World Trade Organization and the Convention, in particular with respect to alien species, agriculture, intellectual property rights, article 8 (j) of the Convention and biosafety, and urges Member States that are members of the World Trade Organization to support the granting of observer status for the Executive Secretary to the Council for the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Committee on Agriculture, and to promote acknowledgement by the World Trade Organization of the importance of sui generis systems in the implementation of the Convention, in line with decision V/20;

"15. *Welcomes* the progress made in implementing cooperation with the secretariats of the United Nations Framework Convention on Climate Change, and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, and encourages further cooperation;

"16. *Invites* all funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organizations, to provide support for the implementation of the programme of work of the Convention on Biological Diversity;

"17. *Notes* the work of the Global Environment Facility in assisting developing countries in the implementation of the Convention on Biological Diversity, and urges the Facility to enhance its efforts for the conservation and sustainable use of biodiversity within the context of national sustainable development, and to play a central role in identifying and coordinating additional financial resources from bilateral and international organizations as well as the private sector for this purpose;

"18. *Welcomes* the Global Environment Facility capacity development initiatives to assess the capacity-building needs and priorities of developing countries, relating to the conservation of biological diversity, and to develop strategy and implement a multi-year plan for responding to such needs and priorities, and calls upon other multilateral and bilateral organizations to cooperate with the Facility in strengthening the capacity of developing countries for the conservation and management of biodiversity;

"19. *Notes* the efforts that the Global Environment Facility is making towards developing programmes for assisting developing countries in capacity-building activities relating to the Cartagena Protocol on Biosafety;

"20. *Calls upon* States parties to the Convention to settle urgently any arrears and to pay their contributions in full and in a timely manner so as to ensure continuity in the cash flows required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

"21. *Invites* the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the ongoing work regarding the Convention;

"22. *Requests* the conferences of the parties to the multilateral environment conventions to take into consideration the schedule of meetings of the General Assembly when setting the dates of meetings of the Conferences of the Parties so as to ensure the adequate representation of developing countries at those meetings;

"23. *Decides* to include in the provisional agenda of its fifty-sixth session the sub-item entitled 'Convention on Biological Diversity'."

3. At the 38th meeting, on 29 November, the Vice-Chairman of the Committee, Navid Hanif (Pakistan), introduced a draft resolution entitled "Convention on Biological Diversity" (A/C.2/55/L.44), which he submitted on the basis of informal consultations held on draft resolution A/C.2/55/L.20.

4. At the same meeting, the Committee adopted draft resolution A/C.2/55/L.44 (see para. 6).

5. In the light of the adoption of draft resolution A/C.2/55/L.44, draft resolution A/C.2/55/L.20 was withdrawn by its sponsors.

III. Recommendation of the Second Committee

6. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Biological Diversity

The General Assembly,

Recalling its resolution 54/221 of 22 December 1999 on the Convention on Biological Diversity[1] and other relevant resolutions, including its resolution 49/119 of 19 December 1994, in which it proclaimed 29 December, the date of the entry into force of the Convention, the International Day for Biological Diversity,

Recalling also the provisions of the Convention on Biological Diversity,

Reaffirming that the conservation of biological diversity is a common concern of humankind,

Recalling that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Recalling Agenda 21,[2] in particular its chapter 15 on the conservation of biological diversity and chapter 16 on the environmentally sound management of biotechnology and related chapters,

Having considered the report of the Executive Secretary of the Convention on Biological Diversity as submitted by the Secretary-General to the General Assembly at its fifty-fifth session,[3]

Emphasizing the importance of public education and awareness for the implementation of the Convention at all levels,

Noting the recommendation of the Conference of the Parties to the Convention on Biological Diversity at its fifth meeting that the date of the International Day for Biological Diversity be changed to give it greater visibility,

Deeply concerned about the continuing loss of the world's biological diversity, and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding,

Recognizing the contribution of indigenous and local communities embodying traditional lifestyles, and women within those communities, to the conservation and sustainable use of biological resources,

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[1] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I, *Resolutions adopted by the Conference*, resolution 1, annex II.

[3] See A/55/211.

Noting the continuing dialogue in the Committee on Trade and Environment of the World Trade Organization on the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights,[4]

Encouraged by the work carried out to date under the Convention, and satisfied that most States and one regional economic integration organization are parties to the Convention,

Recognizing the importance of the adoption by the Conference of the Parties, in its decision EM-1/3 of 29 January 2000,[5] of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, and the subsequent signature of the Protocol by seventy-five parties to the Convention,

Expressing its appreciation to the Government of Kenya for hosting the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity, held from 15 to 26 May 2000,

Also expressing its appreciation to the Government of Spain for hosting the first meeting of the Ad Hoc Open-ended Inter-sessional Working Group on article 8 (j) of the Convention on Biological Diversity regarding the traditional knowledge, innovations and practices of indigenous and local communities, held at Seville from 27 to 31 March 2000,

Welcoming the generous offer of the Government of France, accepted by the Conference of the Parties to the Convention at its fifth meeting, to host the first meeting of the Intergovernmental Committee for the Cartagena Protocol, which will be held at Montpellier from 11 to 15 December 2000,

Welcoming the generous offer of the Government of the Netherlands, accepted by the Conference of the Parties at its fifth meeting, to host the sixth meeting of the Conference of the Parties and the second meeting of the Intergovernmental Committee for the Cartagena Protocol, which will be held at The Hague from 8 to 26 April 2002,

Urging the parties to the Convention to undertake thorough preparations to advance progress at the sixth Conference of the Parties,

Recalling its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the results of future meetings of the Conference of the Parties,

1. *Urges* Member States that have not joined the Convention on Biological Diversity[1] to become parties to it, without further delay;

2. *Calls upon* Member States that are parties to the Convention on Biological Diversity to sign and ratify the Cartagena Protocol on Biosafety[5] as soon as possible;

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[4] See *Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, done at Marrakesh on 15 April 1994* (GATT secretariat publication, Sales No. GATT/1994-7).

[5] See UNEP/CBD/__.

3. *Takes note* of the results of the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Nairobi from 15 to 26 May 2000;[6]

4. *Reaffirms* the importance of the decision of the Conference of the Parties on the adoption of its programme of work and the thematic approach to guide its work in the development of the Convention for the foreseeable future, including its in-depth consideration of ecosystems and other cross-cutting issues;[6]

5. *Notes* the decision by the Conference of the Parties to undertake a limited number of pilot scientific assessments in preparation for the sixth meeting of the Conference of the Parties, to be involved in the proposed millennium ecosystem assessment, and its request to the Subsidiary Body on Scientific, Technical and Technological Advice to identify opportunities for collaboration;

6. *Stresses* the importance of capacity-building activities, especially in developing countries, for the implementation of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, particularly the development of systems to allow parties to implement the Convention and the Protocol, and encourages developed countries to provide adequate support for these activities;

7. *Urges* developed countries to facilitate the transfer of environmentally sound biotechnology for the effective implementation of the Cartagena Protocol on Biosafety, in accordance with relevant articles of the Convention on Biological Diversity and the Protocol;

8. *Decides* to proclaim 22 May, the date of the adoption of the text of the Convention on Biological Diversity, as the International Day for Biological Diversity henceforth;

9. *Reiterates* its request to the Secretary-General, the Executive Director of the United Nations Environment Programme and the Executive Secretary of the Convention on Biological Diversity to take all steps necessary to ensure the successful observance of the International Day for Biological Diversity;

10. *Welcomes* the decision of the Conference of the Parties to contribute to the ten-year review of the implementation of Agenda 21[2] and the Programme for the Further Implementation of Agenda 21,[7] and decides to invite the Executive Secretary and, if appropriate, the President of the sixth meeting of the Conference of the Parties to report to it at its relevant session;

11. *Recognizes* the importance of the rapid development and implementation of the Strategic Plan for the Convention, and encourages States parties to provide to the Executive Secretary, in accordance with decision V/20 adopted by the Conference of the Parties,[6] their detailed views on the matter as soon as possible;

12. *Welcomes* the collaborative work between the Convention on Biological Diversity and related conventions, in particular the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, adopted at Ramsar, Islamic Republic of Iran, on 21 February 1971;[8]

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[6] See UNEP/CBD/COP/5/__.

[7] Resolution S-19/2, annex.

[8] United Nations, *Treaty Series*, vol. 996, No. 14583.

13. *Welcomes* the decision of the Conference of the Parties regarding its programme of work for forest biological diversity, and encourages the parties to cooperate with the United Nations Forum on Forests, in particular with respect to respecting, preserving and maintaining the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles, in accordance with article 8 (j) and related provisions of the Convention;

14. *Takes note* of the fact that the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention are interrelated, in particular with respect to intellectual property rights and relevant provisions of the Convention, and invites the World Trade Organization and the World Intellectual Property Organization, within their respective mandates, to explore this relationship, taking into account the ongoing work in other relevant forums and bearing in mind decision V/26 B of the Conference of the Parties;

15. *Encourages* Member States that are members of the World Trade Organization to support the request by the Executive Secretary for observer status at the meetings of the Council for the Agreement on Trade-related Aspects of Intellectual Property Rights and the Committee on Agriculture;

16. *Welcomes* the progress made in implementing cooperation with the secretariats of the United Nations Framework Convention on Climate Change[9] and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,[10] and encourages further cooperation;

17. *Stresses* the need to enhance complementarities between the Convention and the United Nations Framework Convention on Climate Change in order to ensure that their activities are mutually supportive;

18. *Invites* all funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organizations, to cooperate with the secretariat of the Convention in the implementation of the programme of work;

19. *Notes* the work of the Global Environment Facility in assisting developing countries and countries with economies in transition in the implementation of the Convention on Biological Diversity, and urges the Facility to enhance its support for the conservation and sustainable use of biodiversity within the context of national sustainable development, and, within its mandate, in identifying and coordinating additional financial resources from bilateral and international organizations as well as the private sector for this purpose;

20. *Welcomes* the initiatives of the Global Environment Facility in the area of capacity development to assess the capacity-building needs and priorities of developing countries, relating to the conservation of biological diversity, and to develop a strategy and implement a multi-year plan for responding to such needs and priorities, and calls upon other multilateral and bilateral organizations to cooperate with the Facility in strengthening the capacity of developing countries for the conservation and management of biodiversity;

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[9] A/AC.237/18 (Part II)/Add.1 and Corr.1, annex I.

[10] A/49/84/Add.2, annex, appendix II.

21. *Notes* the efforts that the Global Environment Facility is making towards developing programmes for assisting developing countries in capacity-building activities relating to the Cartagena Protocol on Biosafety;[5]

22. *Calls upon* States parties to the Convention on Biological Diversity to settle urgently any arrears and to pay their contributions in full and in a timely manner so as to ensure continuity in the cash flows required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

23. *Invites* the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the ongoing work regarding the Convention;

24. *Requests* the conferences of the parties to the multilateral environmental conventions to take into consideration the schedule of meetings of the General Assembly and the Commission on Sustainable Development when setting the dates of meetings of the conferences of the parties so as to ensure the adequate representation of developing countries at those meetings;

25. *Decides* to include in the provisional agenda of its fifty-sixth session the sub-item entitled "Convention on Biological Diversity".